

Express Mail Label No.: EL95522014703

Date of Deposit: June 19, 2002

Attorney Docket No: 21578-013CPA2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :Nathan H. Sloane

ASSIGNEE :TranXenoGen, Inc.

SERIAL NUMBER :08/986,606

EXAMINER :A Davenport

FILING DATE :December 8, 1997

ART UNIT :1653

FOR :SIXTEEN AMINO ACID OF THE ANTINEOPLASTIC PROTEIN (A16P)  
AS A PHARMACOLOGICALLY ACTIVE ANTI-TUMOR AGENT

June 19, 2002

Boston, Massachusetts

BOX CPA

Commissioner of Patents

Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

- ☒ Request for CPA (2 pgs.);
- ☒ Petition for Extension of Time (1 pg., in duplicate);
- ☒ Check #12827 in the amount of \$200;
- Check #12828 in the amount of \$130;
- Check #12826 in the amount of \$370;
- ☒ Request for Limited Suspension of Action in a CPA; and
- ☒ Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts. The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 21578-013CPA2. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,



Ingrid A. Beattie, Reg. No. 42,306

Attorney for Applicants

c/o MINTZ LEVIN COHN FERRIS

GLOVSKY & POPEO, PC

One Financial Center

Boston, Massachusetts 02111

Tel.: (617) 542 6000

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Express Mail Label No.: EL955227US

Date of Deposit: June 19, 2002

Attorney Docket No: 21578-013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :Nathan H. Sloane

ASSIGNEE :TranXenoGen, Inc.

SERIAL NUMBER :08/986,606

EXAMINER :A Davenport

FILING DATE :December 8, 1997

ART UNIT :1653

FOR :SIXTEEN AMINO ACID OF THE ANTINEOPLASTIC PROTEIN (ANU)  
AS A PHARMACOLOGICALLY ACTIVE ANTI-TUMOR AGENT

June 19, 2002

Boston, Massachusetts

BOX CPA

Commissioner of Patents

Washington, D.C. 20231

**REQUEST FOR LIMITED SUSPENSION OF ACTION IN A CPA  
(37 CFR 1.103(b))**

Sir:

Pursuant to 37 C.F.R. §1.103(b), Applicants hereby request a three (3) month suspension of action in the attached Continued Prosecution Application. A check in the amount of \$130.00 in payment of the processing fee required by 37 C.F.R. §1.17(i), is enclosed herewith.

No additional fees are believed to be due. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 21578-013).

Respectfully submitted,

*I A Beattie*

Dated: June 19, 2002

Ingrid A. Beattie, Reg. No. 42,306  
Attorney(s) for Applicants  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
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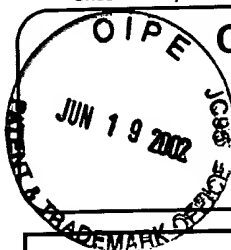
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PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

☐ DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No. of Prior Application	21578-013CPA
First Named Inventor	Sloane, Nathan H.
Examiner Name	A. M. Davenport
Group / Art Unit	1653
Express Mail Label No.	EL9565220147US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 08/986,606 filed on 12/8/97, entitled  
Sixteen Amino Acid of the Antineoplastic Protein (ANUP) as a Pharmacologically Active Anti-Tumor Agent.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	3-20* =	0		x \$18.00=	\$
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3-3** =	0		x \$84.00=	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x \$270.00=	
				BASIC FEE (37 CFR 1.16)	740.00
Total of above Calculations =					740.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					370.00
* Reissue claims in excess of 20 and over original patent.				TOTAL =	370.00
** Reissue independent claims over original patent.					

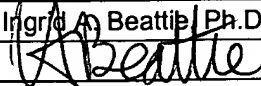
6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50 - 0311 :
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 370.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☒ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(l) enclosed).
11. ☐ New Attorney Docket Number, if desired 21578-013CPA2  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Petition for Extension of time with check #12827, in the amount of \$200.00; and Request for Limited Suspension of Action in CPA with check #12828, in the amount of \$130.00.

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	 30623 PATENT TRADEMARK OFFICE	or <input type="checkbox"/> New correspondence address below
Name	Ingrid A. Beattie, Ph.D., J.D. Mintz Levin Cohn Ferris Glovsky & Popeo, P.C.	
Address	One Financial Center	
City	Boston	State MA Zip Code 02111
Country	U.S.	Telephone 617-542-6000 Fax 617-542-22241

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Ingrid A. Beattie, Ph.D., J.D.
Signature	
Registration No. (Attorney/Agent)	42,306
Date	June 19, 2002